

On October 10 and 11, 1939, the United States attorneys for the Southern and Middle Districts of Georgia filed libels against 163 cases of macaroni and spaghetti at Waycross, Ga.; 46 cases of macaroni at Valdosta, Ga.; and 44 cases of macaroni at Nashville, Ga., alleging that the articles had been shipped in interstate commerce by Ferlita Macaroni Co., Inc., from Tampa, Fla., within the period from on or about May 15, 1939, to on or about September 13, 1939; and charging that they were misbranded. Portions of the articles were labeled in part: "Tampa-Maid Brand Spaghetti [or "Macaroni"] * * * Ferlita Macaroni Co., Inc. Tampa, Florida." One lot was labeled in part: "Big Bite Brand Macaroni * * * Tampa Macaroni Co., Tampa, Fla."

Misbranding was alleged with respect to all lots in that the statements in the labeling, "6 Ozs. Net When Packed" or "6 Oz. Net," were false and misleading as applied to articles that were short weight; in that the articles were in package form and did not bear an accurate statement of the quantity of contents; and in that the containers were so made, formed, or filled as to be misleading. The Tampa-Maid brand was alleged to be misbranded further in that the statement of quantity of contents appearing on the label was not placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 6 and December 11, 1939, no claimant having appeared, judgments of condemnation were entered, the lots seized at Waycross, Ga., were ordered delivered to charitable organizations, and the remaining lots were ordered destroyed.

193. Adulteration of egg noodles. U. S. v. 24 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 571. Sample No. 61084-D.)

This product was in interstate commerce when examined, and at that time it was found to be insect-infested.

On September 9, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 24 cases of egg noodles at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 13, 1938, and January 10 and August 12, 1939, by the Quaker Oats Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Uncle Sam's First Quality American Process Genuine Egg Noodles."

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

194. Misbranding of spaghetti. U. S. v. 104 Cases of Spaghetti. Default decree of condemnation. Product delivered to charitable organizations. (F. D. C. No. 805. Sample No. 47927-D.)

Examination of the containers of this product showed that the spaghetti occupied on an average about 57 percent of the volume of the package.

On October 24, 1939, the United States attorney for the District of Maryland filed a libel against 104 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 2 and 7, 1939, by S. Viviano Macaroni Manufacturing Co. from Carnegie, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Dixie Brand Spaghetti Packed for Maryland Grocery Co. Baltimore, Md."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable organizations.

RICE

Nos. 195 and 196 of this publication report the seizure and disposition of rice which was in interstate commerce at the time of examination and which was insect-infested at that time.

195. Adulteration of rice. U. S. v. 27 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 739. Sample No. 61049-D.)

On or about October 20, 1939, the United States attorney for the Northern District of Florida filed a libel against 27 bags of rice at Pensacola, Fla. (libel amended about November 20, 1939), alleging that the article had been shipped on or about August 12, 1939, by Louisiana State Rice Milling Co., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Water Boy Louisiana State Rice."

On November 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.